

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA, *ex rel.* §  
ELAINE BENNETT AND DONALD §  
P. BOONE, §  
§  
Plaintiffs, §  
§  
V. § CIVIL ACTION NO. H-08-3408  
§  
MEDTRONIC, INC., §  
§  
Defendant. §

**ORDER**

In September 2010, this court granted the motion to dismiss filed in this False Claims Act case. Leave to amend was granted. After requesting and receiving several extensions of time to amend, counsel for the plaintiffs advised that they would not be filing an amended complaint.

Based on the orders previously entered in this case and on the plaintiffs' decision not to file an amended complaint, this case is dismissed, with prejudice. This is a final judgment.

SIGNED on August 29, 2011, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge